

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	J	N/S	O	R	H	23	DEMAND	OTHER	JUDGE	NUMBER	DEM.	YR.	NUMBER
1085/4	76	0576	11	16	76	4	11	1	21						8508	<i>waived</i>	76	0576
															<del>8509</del>	<del>E</del>		<del>0576</del>

JUDGE BRETT

PLAINTIFFS

HOME INDEMNITY COMPANY, a  
corporation

DEFENDANTS

CREEK COUNTY RURAL WATER  
DISTRICT NO. 1

I.J. Dutch Breshear  
Add'l party deft.

CAUSE

28 USC 2201; 28 USC 2202 - An action for the interpretation of the rights  
and liabilities of the plaintiff and deft. under a policy of liability  
insurance.

Mike Gilliard

Paul V. McGivern, Jr.

Thomas E. Steichen

McGivern, Scott and Cornish *Steichen*

~~202 Denver Building~~ 1515 South Boulder

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Tulsa, Oklahoma 74119

584-3391

ATTORNEYS

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918/224-3131

☐ CHECK  
HERE  
IF CASE WAS  
FILED IN  
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FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 12-1-76

JS-6 1-1-84

DATE 1976	NR.	PROCEEDINGS
11-16 11-22	1.	Complaint filed, summons issued.s Summons, ret. & filed: served Creek County Rural Water Dist. No. 1, Kellyville, Oi. on 11-18-76. g (USM \$10.20)
<u>1977</u>		
1-18	MO	Case set for disposition on 2-1-77 at 10:30 a.m. for failure of deft. to answer.s (AEB-J) ntc. by cert. ml.
1-26	2.	Appl. for Default Judgment, fld. by Pltf. v
1-26	3.	Brief in support of appl. for default judgment, fld. v
1-26	4.	Aff. of Thomas E. Steichen, fld. w/request to enter default. v
1-26	5.	Entry of Default, fld. (JCS-CC)v
2-1		Case called for hearing Pltf's application for default judgment. Parties rep. Ct. allows Deft. to file motion to dismiss w/brief & Pltf. objects. Parties are given 15 days from this date to file report w/Ct. re:jurisdiction & an additional 30 days to file answer if this Ct. has jurisdiction. (AEB-J)b
2-1	6.	Deft's Motion to dismiss, filed. b
2-1	7.	Brief in support of motion to dismiss, filed. b
2-16	8.	Affidavit of Clk. of Dist. Ct. of Creek Co., Okla., filed. lm
3-1	9	Pltf. response to Deft. brief in supp. of mot to dismiss. fld. ho
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions, (AEB-J)jj
6-8	MO	Case set for hrg. before Mag. on deft's motion to dismiss on 6-24-77 at 11:00 a.m. (RSR-Mag)k ntc by KT
6-24	MO	Hrg. on deft's mot. to dismiss passed to 7-8-77 at 3:00 p.m. (RSR- Mag)k ntc by KT
7-8	Min	Case called for hrg. on deft's mot. to dismiss. Parties represented. Mot. taken under advisement. Deft. given 10 days to file additional brief & pltf. given 10 days thereafter to respond. Mag. to prepare findings and recommendations thereafter. (RSR-Mag)k
8-12	10	Pltf. brief and request for ruling. fld. ho
12-13	MO	Mag. recommends that deft's mot. to dismiss be overruled & pltf. is directed to prepare F&R of the Mag. w/in 10 days. (RSR-Mag)k ntc by KT
<u>1978</u>		
2-27	11.	Findings & Recommendations of the Mag., filed. Mag. recommends that deft's mot. to dismiss be overruled. (RSR-Mag)k cps mld
3-10-	12.	Order, filed, that Deft's Motion to dismiss be & is hereby overruled. (AEB-J)b
5-1	13	Deft. ans. fld. ho
6-12	MO	Parties are directed to hold a pre-trial conf. on or before 8-7-78 & file an agreed pre-trial order on or before 8-14-78. (AEB-J)k ntc mld
8-14	14	Pltf. mot. to add additional party Deft. fld. ho
8-14	15	Pltf.affid. of Thomas E. Steichen in supp. of mot. to join additional party necessary for just adjudication. fld. ho
8-14	16	Pltfs. brief in supp. of mot. to add additional party Deft. , fld. ho
8-15	MO	It is ordered that the Deft. is granted 10 days to file a responsive brief to Pltfs. mot. to add additional party Deft. (AEB-J)ho c/m
9-15	17	Deft. response to mot. to add party Deft. fld. ho
9-29	18.	Order, filed, that Pltf's Motion to add I.J.Dutch Breshear as add'l party deft is hereby sustained. IT IS FURTHER ORDERED that I.J.Dutch Breshear is added as add'l party deft. & pltf. is ordered to file whatever amendment to compl. is necessary w/in 5 days & to commence service of process on said I.J.Dutch. (AEB-J)b cps mld
10-30	19.	AMENDED COMPLAINT for Declaratory Judgment, filed, with leave granted to file out of time. b cps to Pltf
12-18	20	Deft. I. J. "Dutch" Brashears, ans. fld. ho

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-576</u>
Home Indemnity Co.		Creek County Rural Water Dist. No. 1 and Dutch Breshear	PAGE <u>3</u> OF <u>2</u> PAGES
DATE 1979	NR.	PROCEEDINGS	
1-22	MO	Parties are ordered to hold a pre-trial conf. on or before 3-12-79 & file an agreed pre-trial order by 3-19-79. (AEB-J)k cps mld	
4-2	MO:	Case set for pt conf. for Thurs., 4/19/79 at 10 a.m. (FD-J)rm-notice	
4-19	Min:	Pretrial conf. held. Counsel present. Statements made. Jury waived. Pltf. req. stay of state proceedings withdrawn. Default of 1/26/77 is vacated on req. of defts. Pltf. to file brief on language of ins. policy within 30 days; defts. 10 days thereafter to respond. Pltf. to prepare PTO in 10 days. (FD-J)rm	
5-22	21	APPL & ORDER granting pltf. until 6-19-79 to file trial brf. (FD-J)k <i>ops by mlt</i>	
6-6	22	PTO, (FD-J)ho <i>PTC Subm Filed 6-1-79</i>	
6-19	23	APPLICATION & ORDER, granting Pltf. an ext. of time until 7-3-79 to to file its trial brief. (FD-J)ho c/m by movant.	
7-5	24	APPLICATION of Pltf. for ext. of time to file its trial brief. ho	
7-5	25	ORDER, granting Pltf. an ext. of time until 7-23-79 to file its trial brief. (FD-J)ho by ra, c/m to movant.	
7-25	26	TRIAL BRIEF of Pltf. ho	
8-15	27	TRIAL BRIEF of Defts. ho	
9-24	MO:	CASE SET for nonjury trial before Judge Luther Eubanks for Mon., 11/5/79 at 9:30 a.m. (FD-J)rm-notice	
11-1	28	STIPULATION & APPLIC. for continuance of nonjury trial. b O to J	
11-5	29	ORDER, case is continued from the jury docket of 11-5-79. (FD-J)ho c/m	
11-9	MO:	CASE TRANSFERRED TO JUDGE THOMAS R. BRETT. (JCS-CLK)jc	
11/16	MO:	Case set for Non-Jury Trial on Mon., 12/17/79, at 9:30 A.M. (TRB-J)v not./mld	
11/21	Ltr.	From Clk. to Attys., Trial Briefs & Proposed FF/CL to be filed on or before 12/10/79. v	
12/14	30.	Appl. for cont. v	
12/17	Trial	CASE CALLED FOR NON-JURY TRIAL. 9:30-9:35 a.m. CASE CONTINUED TO THE JANUARY 11, 1980, NON-JURY DOCKET, beginning at 9:00 A.M. Suggested Findings of Fact and Conclusions of Law are to be filed on or before Jan. 8, 1980. (TRB-J)v	
12/18	-	Notice of 1/11/80 trial setting mld. this date. FF/CL to be fld. on or before 1/8/80. v	
1980			
1-7-80	31	NOTICE TO TAKE DEPOSITION of Bill Warden in Sapulpa, Ok. on 1-9-80, cs.	

**JUDGE BRETT**

PLAINTIFF		DEFENDANT	DOCKET NO. _____
HOME INDEMNITY CO.		CREEK COUNTY RURAL WATER	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1980			
1-8-80	32	SUGGESTED findings of fact of deft. Creek County Rural Water. cs	
Jan. 11	-	Case stricken from Non-Jury Trial Docket of 1/11/80 and case is RESET FOR NON-JURY TRIAL ON FEB. 25, 1980, at 9:00 A.M. If not already filed, Parties are granted until Feb. 20, 1980, to file Trial Briefs and Suggested FF/CL. (TRB-J)v -notices mld.	
1-15-80	--	USM return on service, returned unserved as to Bill Warden. (\$3.36) CS	
2/6/80	MO:	Case stricken from N/J docket of 2/25/80 and CASE RESET FOR NON-JURY TRIAL ON FEB. 14, 1980, AT 9:00 A.M. (Parties phoned this date. Advised that they will apply to Court to submit case on depos. & previously fld. briefs.) (TRB-J)v	
2-12		O To J. v.	
Feb. 13	MO:	Case stricken from 2/14/80 setting and as previously scheduled CASE IS SET FOR NON-JURY TRIAL ON FEB. 25, 1980, at 9:00 A.M. If parties desire to submit case on depos., parties should appear on Feb. 25 and make such record. In any event, all depos., parties suggested FF&CL and any other material parties would like the Court to consider, are to be filed on or before Feb. 22, 1980. (TRB-J)v c/m	
2-13	33	STIP, APPL, & ORDER striking case from 2-14-80 non-jury trial dkt. at 9:00 a.m. Cause will probably be submitted to the Court on the depos. of expert witnesses at time of new non-jury trial setting date of 2-25-80 at 9:00 a.m. (TRB-J)k cps mld	
2/20	MO:	CASE RESET FOR NON-JURY TRIAL ON WED., FEB. 27, 1980, at 9:00 A.M. (TRB-J)v attys. phoned	
Feb. 27	Trial	NON-JURY TRIAL HELD. 9:15-9:25 a.m. At parties request, Court allows matter to be submitted on the briefs & depos. Parties are granted until 3/13/80 to have on file any further trial briefs, w/responsive briefs to be filed on or before 3/24/80. Parties are to file any stipulations on or before 3/13/80. (TRB-J)v	
3-13	34	APPLICATION of Pltf. for Ext. of Time to File Trial Brief until 4-2-80.jc O to J	
Mar. 14	35.	ORDER that parties are granted until April 21, 1980, to file trial briefs, w/responsive briefs to be filed on or before 4/30/80. (TRB-J)v c/m	
3-25	---	DEPOSITION of Bill Warden taken on 1-9-80 by Jody Hooper (L.S.R.)lm	
3-28	---	DEPOSITION of Curtis E. Moutrey on behalf of deft. 2-11-80. g	
4-21 4/25	36	APPLICATION by pltf. for ext. to file trial brief. cs O to be in. ORDER (on appl.) granting Pltf. until 5/1/80 to file trial brief. (TRB-J)v c/m	
5-14		Mike Hillard has will take call of 5-15	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO 76-C-576 PAGE 5 OF 3 PAGES
HOME INDEMNITY COMPANY		CREEK COUNTY RURAL WATER DIST. NO. 1, et al	
DATE	NR.	PROCEEDINGS	
5-15-80	37	APPLICATION of PLTF. for ext/time to file trial brief. g	
5-16		ORDER (part of appl.) granting Pltf until 5-25-80 to file trial brief. (TRB-J)g c/m	
6-6	38	STIPULATION of all parties.cs	
12-11	39	FINDINGS OF FACT AND CONCLUSIONS OF LAW. (TRB-J)k cps mld	
12-11	40	JUDGMENT, entered, in favor of pltf. & against defts., declaring & finding the activities of deft. Creek County Rural Water Dis- trict No. 1 come w/in the exclusions of pltf's insurance policy & that pltf. is not obligated to furnish a defense to said deft. in the litigation presently pending in Creek County District Court. (TRB-J)k cps mld	
1981			
1-14		DEPOSITION returned to deft.am	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
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